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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/104,297	06/24/1998	RICHARD JAMES HUMPLEMAN	2810-044	4083

7590   07/29/2002

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EXAMINER
BASHORE, WILLIAM L

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 07/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- The MAILING DATE of this communication appears on th cov r sheet with the correspondence address --

Period f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _20 May 2002_ .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-8_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-8_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)		4)☐ Interview Summary (PTO-413) Paper No(s). _____ .	
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)		5)☐ Notice of Informal Patent Application (PTO-152)	
3)☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _19_ .		6)☐ Other: .	

DETAILED ACTION

1.   This action is responsive to communications: amendment filed 5/20/2002 to the original

application filed 6/24/1998, with acknowledged provisional application filing dates of 9/22/1997, and

6/25/1997. Applicant swears behind the date of **6/10/1997**. Terminal Disclaimer filed 5/20/2002, IDS

filed 6/11/2002.

2.   The rejection of claims 1-8 under the judicially created doctrine of obviousness-type double

patenting as being unpatentable over claims 5, 8 of Humpleman et al. U.S. Patent No. 6,198,479, has

been withdrawn as necessitated by Applicant's submission of Terminal Disclaimer, filed 5/20/2002.

3.   Claims 1-4, 6, 8 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman

and Hanson.

4.   Claims 5, 7 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman,

Hanson, and Reber.

5.   Claims 1-8 are pending. Claim 1 is an independent claim.

Claim Rejections - 35 USC § 103

6.   **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness**

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of
> this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as
> a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 1-4, 6, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Venkatraman et al. (hereinafter Venkatraman), U.S. Patent No. 5,956,487 issued September 1999,

in view of Hanson, U.S. Patent No. 6,148,346 issued November 2000.

        In regard to independent claim 1, Venkatraman teaches:

        - a home automation network comprising an interface for accessing connected home devices

(Venkatraman Figure 3, column 3 lines 27-33; compare with claim 1 *"A method for*

providing....comprising the steps of").

        - Venkatraman does not specifically teach a *"device link file"* associated with connected home

devices. However, Hanson teaches a GUI displaying a list of available network devices (Hanson Figure

5, column 5 lines 36-40; compare with claim 1 *"generating a device link file, wherein the device link file*

identifies home devices that are currently connected to the home network", and *"identified in the device*

link file"). It would have been obvious to one of ordinary skill in the art at the time of the invention to

apply Hanson to Venkatraman, because of Hanson's taught advantage of itemizing, so as to provide

Venkatraman a way to indicate all available devices on a network.

        - accessing connected home devices using Web technology so that access is independent of an

operating system platform and browser software, as well as independent of the location of the user

(Venkatraman column 2 lines 36-42; compare with claim 1 *"connected to the home network in an*

autonomous manner").

        - a self contained home network comprising inter-communication links and a web browser

enabling communication with a set of devices (Venkatraman Figures 2, 3, column 5 lines 29-40, 46-51;

compare with claim 1 *"creating a device link page"*). Venkatraman also teaches a textual representation

of a corresponding connected device (a printer name) (Venkatraman Figure 3 item Printer Name, Portdv9;

compare with claim 1 *"at least one graphical or textual representation of corresponding devices"*).

- a set of user interface functions written in HTML, said functions associated with a device on a network (Venkatraman Figure 3, column 5 lines 36-42; compare with claim 1 *"associating a hyper-text link with each device representation....that is associated with the device representation"*). Venkatraman also teaches a Web page contained in the associated device (Venkatraman Figure 1B items 10, 18, which is indicative of device item 10 in Figure 2; compare with claim 1 *"contained in the device"*).

- display of device information on a network browser (Venkatraman Figure 3; compare with claim 1 *"displaying the device link page on a browser based device."*).

In regard to dependent claim 2, Venkatraman teaches a home device connected to a home network, as well as a link page. Venkatraman does not specifically teach associating/retrieving a logical name stored in a device link file, as well as icons. However, Hanson teaches a listing of available devices, each device comprising a logical name (i.e. HDE/Meister, HDE/Gerry), to which a device is user selected and is represented by various GUI buttons associated with a status icon (Hanson Figures 3-5, column 5 lines 25-40; compare with claim 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Hanson to Venkatraman, because of Hanson's taught advantage of user selection, providing Venkatraman a way to customize a home network.

In regard to dependent claim 3, Venkatraman teaches a home device connected to a home network, as well as a link page. Venkatraman does not specifically teach associating/retrieving a logical name stored in a device link file, as well as icons. However, Hanson teaches a listing of available devices, each device comprising a logical name (i.e. HDE/Meister, HDE/Gerry), to which a device is user selected and is represented by various GUI buttons associated with a status icon (Hanson Figures 3-5, column 5 lines 25-40; compare with claim 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Hanson to Venkatraman, because of Hanson's taught advantage of user selection, providing Venkatraman a way to customize a home network.

In regard to dependent claim 4, Venkatraman teaches a home device connected to a home network, as well as a link page. Venkatraman does not specifically teach associating/retrieving a logical name stored in a device link file, as well as icons. However, Hanson teaches a listing of available devices, each device comprising a logical name (i.e. HDE/Meister, HDE/Gerry), to which a device is user selected and is represented by various GUI buttons associated with a status icon (Hanson Figures 3-5, column 5 lines 25-40; compare with claim 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Hanson to Venkatraman, because of Hanson's taught advantage of user selection, providing Venkatraman a way to customize a home network.

In regard to dependent claim 6, Venkatraman teaches a home based network enabling a web browser to access user interface functions via URL's, said URL's can be embedded within an appliance (Venkatraman column 5 lines 29-42, column 8 lines 1-8; compare with claim 6).

In regard to dependent claim 8, Venkatraman teaches a method whereby web server queries a device, and in response, the targeted device transfers an HTML file that defines its device web page (Venkatraman column 7 lines 37-46; compare with claim 8).

8.   Claims 5, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman and Hanson as applied to claim 1 above, and further in view of Reber et al. (hereinafter Reber), U.S. Patent No. 5,398,726 issued August 1999.

In regard to dependent claim 5, Venkatraman teaches a user defined area (Venkatraman Figure 3). Venkatraman does not specifically teach a method of receiving a device logo from a home device. However, Reber teaches a method of displaying a graphical logo relating to a device onto a browser screen (Reber Figure 3; compare with claim 5). It would have been obvious to one of ordinary skill in the

art at the time of the invention to apply the logo method of Reber to the list and button GUI of

Venkatraman/Hanson, because of Reber's taught advantage of graphical logos, providing increased

device recognizability to the method as taught by Venkatraman/Hanson.

In regard to dependent claim 7, Venkatraman teaches a user defined area (Venkatraman Figure

3). Venkatraman does not specifically teach a method of receiving a device logo from a home device.

However, Reber teaches a method of displaying a graphical logo relating to a device onto a browser

screen (Reber Figure 3; compare with claim 7). It would have been obvious to one of ordinary skill in the

art at the time of the invention to apply the logo method of Reber to the list and button GUI of

Venkatraman/Hanson, because of Reber's taught advantage of graphical logos, providing increased

device recognizability to the method as taught by Venkatraman/Hanson.

9.   **Prior art made of record and not relied upon is considered pertinent to disclosure.**

> Home Vision - Version 2.4 - Custom Solutions Inc., HTINews Review, August 1997,
> downlowded from URL
> <http://www.hometoys.com/htinews/aug97/reviews/homevis/homevis1.htm>,
> downloaded July 23, 2002.

> Home Vision by Custom Solutions Inc., Home Control Software Review - HTINews,
> October 1996, downlowded from URL
> <http://www.hometoys.com/htinews/oct96/reviews/revw0101.htm>, downloaded July 23, 2002.

Response to Arguments

10.   Applicant's arguments filed 5/20/2002 have been fully and carefully considered but they are not

persuasive.

Applicant argues on page 4 (bottom) to page 5 (top) of the amendment that there is no suggestion

from either reference that they be combined or modified as proposed by the Office Action. The Examiner

notes that Venkatraman teaches embedding Web access in an appliance for user interface functions

utilizing a Web browser and Web page, for the purpose of accessing user interface functions through said

page (Venkatraman Title and Abstract). Although Venkatraman does not specifically teach a device link

file, Hanson teaches a dynamic device driver utilizing the Internet, and a WWW server, allowing for two-

way communication between peripheral devices and an operating system (Hanson Figure 1 items 30, 36,

also item WWW Server). Hanson teaches a status monitor object which displayes a GUI object list (a

device link file) of available devices (printers) for user selection (Hanson column 5 lines 35-43). In

support of the Examiner's rejection, Hanson itemizes its devices via a presented list, providing

Venkatraman with an itemized list of devices. This allows a user to easily see all connected devices.

Applicant argues on page 5 of the amendment that the cited art of references do not teach "a

means that may automatically locate and access the devices". The Examiner notes that he cannot find this

limitation in Applicant's claims.

Applicant argues on page 5 (bottom) to page 6 (top) of the amendment that Applicant's claimed

invention determines the location and availability of the devices connected to the network in a dynamic

fashion, as opposed to the cited art of record. The Examiner notes that Venkatraman teaches generating a

Web page dynamically to reflect the updated sate of the information pertaining to a device (Venkatramam

column 3 lines 33-36).

Applicant argues on page 6 of the amendment that Hanson fails to teach "a session manager that

determines the location and availability....in an autonomous manner". The Examiner notes that

Venkatraman teaches generating a Web page dynamically to reflect the updated sate of the information

pertaining to a device (Venkatramam column 3 lines 33-36). In addition, Hanson is used by the Examiner

(regarding claim 1) to primarily teach a device link file as applied to identification of connected home

devices. It is noted that Hanson teaches presentation of a list of available devices (printers) Hanson

column 5 lines 35-42. Venkatraman teaches location of devices (Venkatraman Figure 3 item Location

Building 1 U), and Hanson teaches Printer Status (Hanson Figure 3 item 61, also Figure 4).

Applicant argues on page 6 of the amendment that improper hindsight is used by the Examiner in the current round of rejections. The Examiner notes that both Venkatraman and Hanson deal with management of home devices (i.e. printers) (Venkatraman Figure 3 also column 3 lines 50-56, and Hanson Figure 3, 4). Although Venkatraman does not specifically teach a "device link file" as applied to connected home devices, Hanson teaches this feature in the form of a GUI displaying a list (a device list) of available network devices.

Applicant argues on page 7 of the amendment that the Office Action recognizes the advantages of the presently claimed invention by trying to make modifications in the cited art of record to teach Applicant's claimed limitations. Applicant also argues that said modifications produces advantages in favor of patentability because it proves that the new combination produces new and advantageous results. The Examiner notes that the combination of cited art as currently applied by the Examiner to Applicant's claimed limitations renders said limitations as obvious, as set forth by 35 U.S.C. 103(a).

Applicant argues on page 7 (bottom) to page 8 (top) that if Applicant's claimed invention were in fact obvious, those skilled in the art would have modified the teachings of Venkatraman to incorporate the teachings of Hanson. The Examiner notes that the combination of cited art as currently applied by the Examiner to Applicant's claimed limitations renders said limitations as obvious, as set forth by 35 U.S.C. 103(a).

Applicant argues on page 8 (bottom) to page 9 (top) of the amendment that a plurality of claims should never be grouped together, and an omnibus rejection of the claims is inappropriate because it does not delineate the reasoning for the rejections and does not allow the Applicant to form a lucid response. It is noted that the rejection of claims 2-4 have been separated into separate rejections via copy/paste, no new rejections have been made.

Applicant's arguments beginning on page 9 (middle) to page 12 (middle) of the amendment are substantially similar to those presented on pages 3-8 of said amendment. Accordingly, the Examiner's rebuttal as set forth above applies to these arguments as well.

Applicant argues on page 11 (middle) of the amendment that "Hanson teaches a listing of available devices; however, the process of listing the devices is the novel and unobvious limitation claimed by Applicants which is neither contemplated nor rendered obvious by Applicants". The Examiner applies a combination of references (Venkatraman and Hanson) to teach the claimed limitations in accordance with 35 U.S.C. 103(a), rendering said claimed limitations as obvious.

Applicant argues on page 13 (also repeated on pages 16 and 19) of the amendment that in the "Response to Arguments" section of the last Office Action (paper #14) claims that the arguments are moot in view of the new ground(s) of rejection. Applicant argues that this is inappropriate, and requests a further non-final Office Action. The Examiner notes that Applicant's claims were originally rejected using references Corcoran in view of Venkatraman. Applicant filed a CPA (paper #11), along with a Declaration under 37 CFR 1.131 swearing behind the primary Corcoran reference. Since a substantial portion of the Examiner's rejections relied upon the Corcoran reference, and since Applicants arguments were substantially directed to the Corcoran reference in paper #11, a new grounds of rejection using a new combination of art is used, rendering Applicant's arguments as substantially moot. It is noted that the last Office Action (paper #14) is a non-final action.

Applicant's arguments beginning on page 14 (middle) to page 15 (middle) of the amendment are substantially similar to those presented on pages 3-8 of said amendment. Accordingly, the Examiner's rebuttal as set forth above applies to these arguments as well.

Applicant argues on page 15 (bottom) to page 16 (top) of the amendment that a plurality of claims should never be grouped together, and an omnibus rejection of the claims is inappropriate because it does not delineate the reasoning for the rejections and does not allow the Applicant to form a lucid response. It is noted that the rejection of claims 5 and 7 have been separated into separate rejections via copy/paste, no new rejections have been made.

Applicant argues on page 17 to 18 of the amendment that Reber does not teach the claimed limitations, and that there is no motivation to combine Reber with Venkatraman/Hanson. The Examiner notes that Venkatraman teaches a user defined area (Venkatraman Figure 3). Venkatraman does not specifically teach a method of receiving a device logo from a home device. However, Reber teaches a method of displaying a graphical logo relating to a device onto a browser screen (Reber Figure 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the logo method of Reber to the list and button GUI of Venkatraman/Hanson, because of Reber's taught advantage of graphical logos, providing increased device recognizability to the method as taught by Venkatraman/Hanson.

Applicant argues on page 18 of the amendment that "hind-sight" modifications are made to the references to achieve the claimed invention. The Examiner notes that Reber's teaching of a LOGO provides increased device recognition (i.e. brand recognition) to Venkatraman, rendering Applicant's claimed limitations as obvious as set forth in 35 U.S.C. 103(a).

Conclusion

11.   THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to William Bashore whose telephone number is **(703) 308-5807**. The examiner can

normally be reached on Monday through Friday from 11:30 AM to 8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Heather Herndon, can be reached on **(703) 308-5186**.

Any inquiry of a general nature or relating to the status of this application should be directed to

the Group receptionist whose telephone number is **(703) 305-3900**.

13.   **Any response to this action should be mailed to:**

> Commissioner of Patents and Trademarks
> Washington, D.C. 20231

or faxed to:

> **(703) 746-7239** (for formal communications intended for entry)
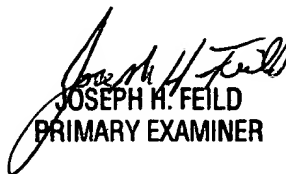
or:

> **(703) 746-7240** (for informal or draft communications, please label
> "PROPOSED" or "DRAFT")

or:

> **(703) 746-7238** (for after-final communications)

**Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Fourth Floor (Receptionist).**

William L. Bashore
07/23/2002

JOSEPH H. FEILD
PRIMARY EXAMINER